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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ROUVEN FUECHTENER,
Defendant.

2:16-cr-100-GMN-CWH

STIPULATION TO CONTINUE
RESPONSE TO DEFENDANT'S
MOTION TO WITHDRAW
GUILTY PLEA (ECF No. 194)

IT IS HEREBY STIPULATED AND AGREED, by and between STEVEN W. MYHRE, Acting United States Attorney, and Elham Roohani, Assistant United States Attorney, counsel for the United States of America, and Karen Connolly, counsel for defendant JAN ROUVEN FUECHTENER, that the Government's response to defendant's Motion to Withdraw Guilty Plea (ECF No. 194), in the above-captioned matter, which is currently set for July 6, 2017, be continued until July 28, 2017.

This Stipulation is entered into for the following reasons:

1. To intelligently respond to the defendant's Motion to Withdraw Guilty Plea, the undersigned requires a ruling on the Government's Motion For An Order Deeming The Attorney Client Privilege Waived (ECF No. 200).

2. Although the Government sought expedited treatment of the waiver motion to be able to respond to withdrawal motion in a timely manner, the Court declined to consider the waiver motion on an expedited basis.
3. The undersigned contacted defense counsel to determine whether the defendant's intends to object to the Government's waiver motion. Defense counsel replied that she does not intend to object to the Government's limited request, and that she "will file a reply by the 12 th as ordered."
4. To allow the Defendant an opportunity to respond to the Government's waiver motion, give the Court time to adjudicate the motion, and give the Government time to intelligently respond to the defendant's Motion to Withdraw Guilty Plea (ECF No. 194), the parties have discussed the continuance and agree to stipulate to an extension of the withdrawal motion response deadline.
5. The defendant is incarcerated, and but not object to the continuance.
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6. Denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested herein is not sought for purposes of delay, but to allow for adequate and efficient response time to the defendant's Motion to Withdraw Guilty Plea (ECF No. 194).

8. This is the first request for a continuance of deadline for the Government to respond to the defendant's Motion to Withdraw Guilty Plea (ECF No. 194).

DATED this 5th day of July, 2017.

STEVEN W. MYHRE
Acting United States Attorney

//s//
ELHAM ROOHANI
Assistant United States Attorney

//s//
KAREN CONNOLLY, ESQ.
Counsel for Defendant Fuechtener

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:16-cr-100-GMN-CWH

Plaintiff,

ORDER

vs.

JAN ROUVEN FUECHTENER,
Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. To intelligently respond to the defendant's Motion to Withdraw Guilty Plea, the undersigned requires a ruling on the Government's Motion For An Order Deeming The Attorney Client Privilege Waived (ECF No. 200).
2. Although the Government sought expedited treatment of the waiver motion to be able to respond to withdrawal motion in a timely manner, the Court declined to consider the waiver motion on an expedited basis.
3. The undersigned contacted defense counsel to determine whether the defendant's intends to object to the Government's waiver motion. Defense counsel replied that she does not intend to object to the Government's limited request, and that she "will file a reply by the 12 th as ordered."
4. To allow the Defendant an opportunity to respond to the Government's waiver motion, give the Court time to adjudicate the motion, and give the Government time to intelligently respond to the defendant's Motion to Withdraw Guilty Plea

(ECF No. 194), the parties have discussed the continuance and agree to stipulate to an extension of the withdrawal motion response deadline.

5. The defendant is incarcerated, and but not object to the continuance.

6. Denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested herein is not sought for purposes of delay, but to allow for adequate and efficient response time to the defendant's Motion to Withdraw Guilty Plea (ECF No. 194).

8. This is the first request for a continuance of deadline for the Government to respond to the defendant's Motion to Withdraw Guilty Plea (ECF No. 194).

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CONCLUSIONS OF LAW

Based on the fact that the parties have agreed to the continuance; based on the fact that the defendant does not object to the continuance; and based on the fact that denial of this request for continuance could result in a miscarriage of justice, the Court hereby concludes that:

The ends of justice are served by granting said continuance, since the failure to grant said continuance would be likely to result in a miscarriage of justice and would deny adequate response to the pending motion to dismiss, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the deadline for the Government to respond to defendant's Motion to Withdraw Guilty Plea is hereby reset to July 28, 2017.

HONORABLE GLORIA M. NAVARRO
CHIEF UNITED STATES DISTRICT JUDGE